Management of Small Docks and Piers

Legal Authorities and Management Techniques

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Management Through Regulatory Techniques

- Police Powers
- Ownership
- Public Trust Obligations

Management Through Regulatory Techniques

Management Through Regulatory Techniques

State Options

- Environmental Review
- Public Trust Review

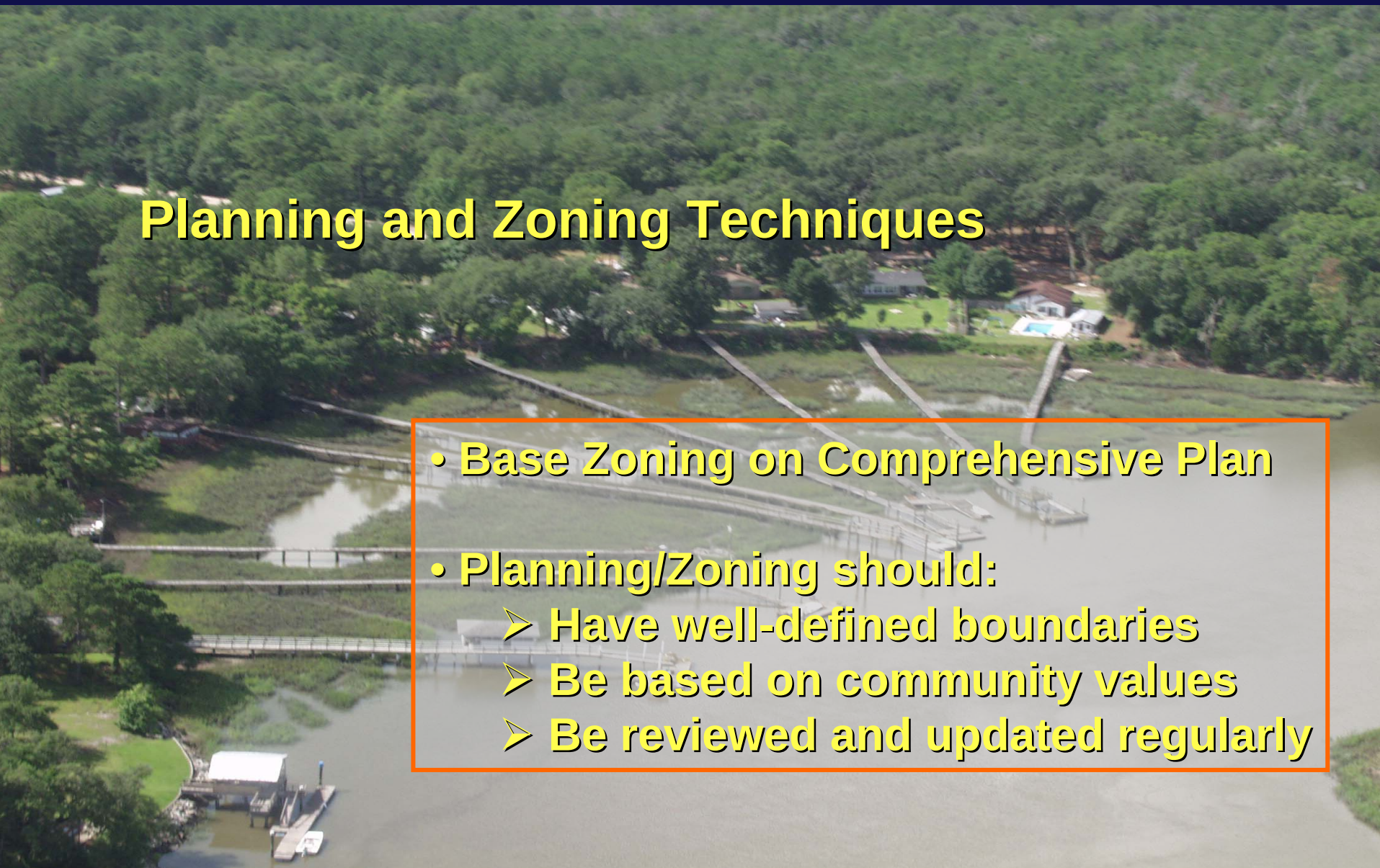
Local Options

- Zoning
- Sub-division Control
- Building Codes
- Local Environmental Ordinances
- Harbormaster Oversight

Management Through Regulatory Techniques

- Issue is not individual docks but increasing “sprawl”
- Consider cumulative impacts
- Consider full build-out

Management Through Regulatory Techniques



Planning and Zoning Techniques

- Base Zoning on Comprehensive Plan
- Planning/Zoning should:
  - Have well-defined boundaries
  - Be based on community values
  - Be reviewed and updated regularly

Management Through Regulatory Techniques

Types of Plans:

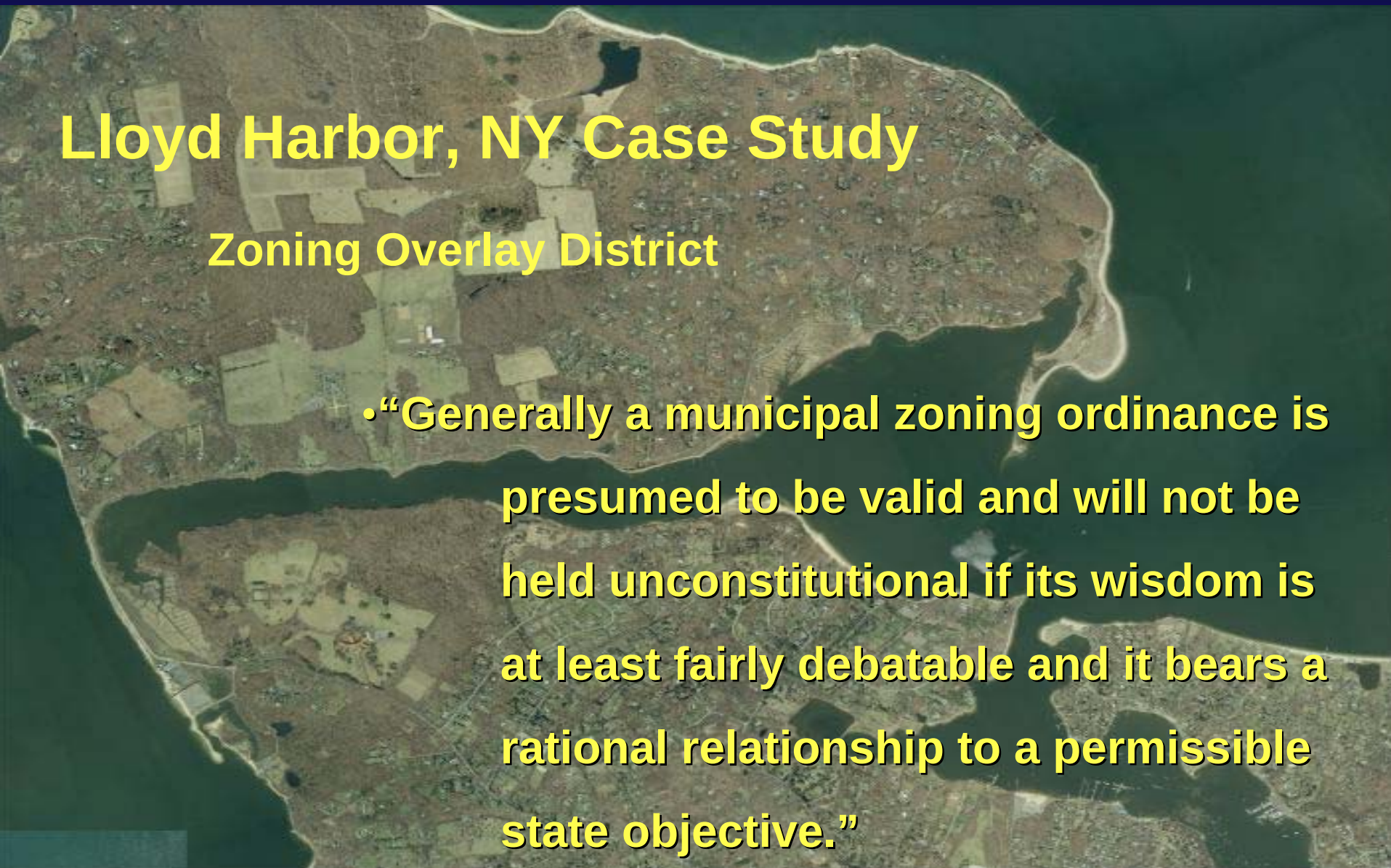
- Special Area Management Plans
- Local CZM Plans
- Harbor Management Plans
- Regional Plans

Management Through Regulatory Techniques

Plans should:

- Identify areas where dock growth is allowed and where it should be limited.
- Encourage community docks.
- Promote marinas as alternatives to individual docks.
- Consider regulating groups of docks as marinas.

Management Through Regulatory Techniques



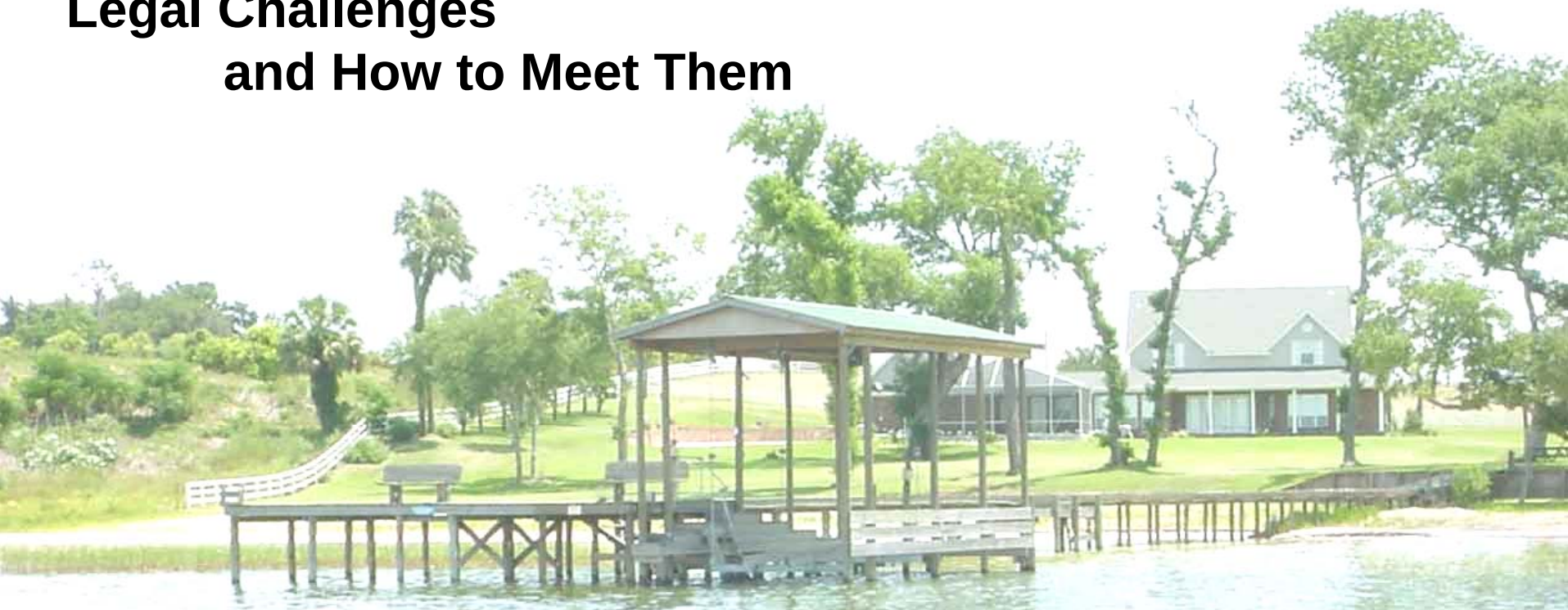
Lloyd Harbor, NY Case Study

Zoning Overlay District

- "Generally a municipal zoning ordinance is presumed to be valid and will not be held unconstitutional if its wisdom is at least fairly debatable and it bears a rational relationship to a permissible state objective."

Management Through Regulatory Techniques

Legal Challenges and How to Meet Them



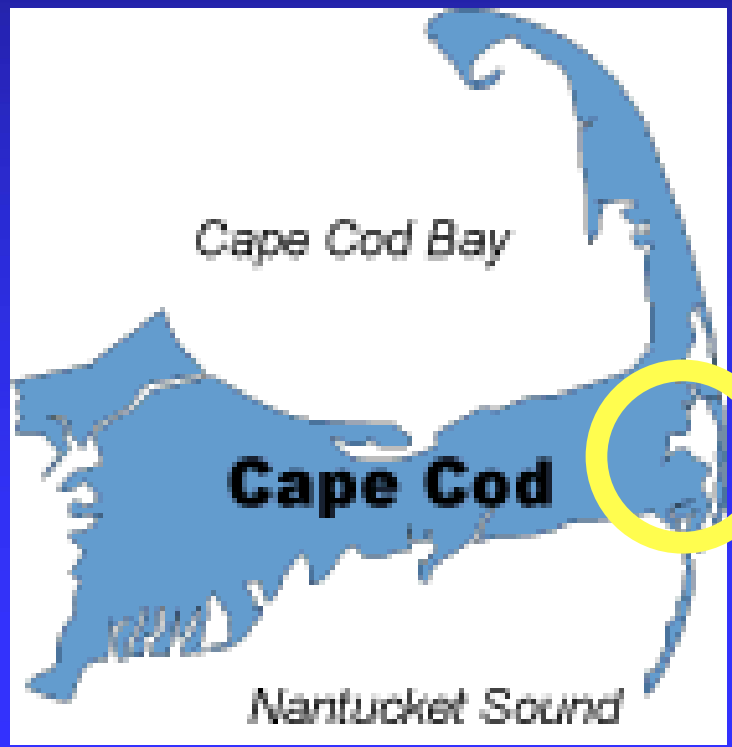
- Exceeding Authority
- Violation of Legal Processes
- Arbitrary and Capricious
- Unconstitutional Takings

Management Through Non- Regulatory Techniques

Mechanisms include:

- Public Education
- Acquisition for communal docks or ramps
- Incentives/Disincentives
  - Funding or taxes
  - Permitting
  - Social pressures

Case Study - Pleasant Bay (MA)

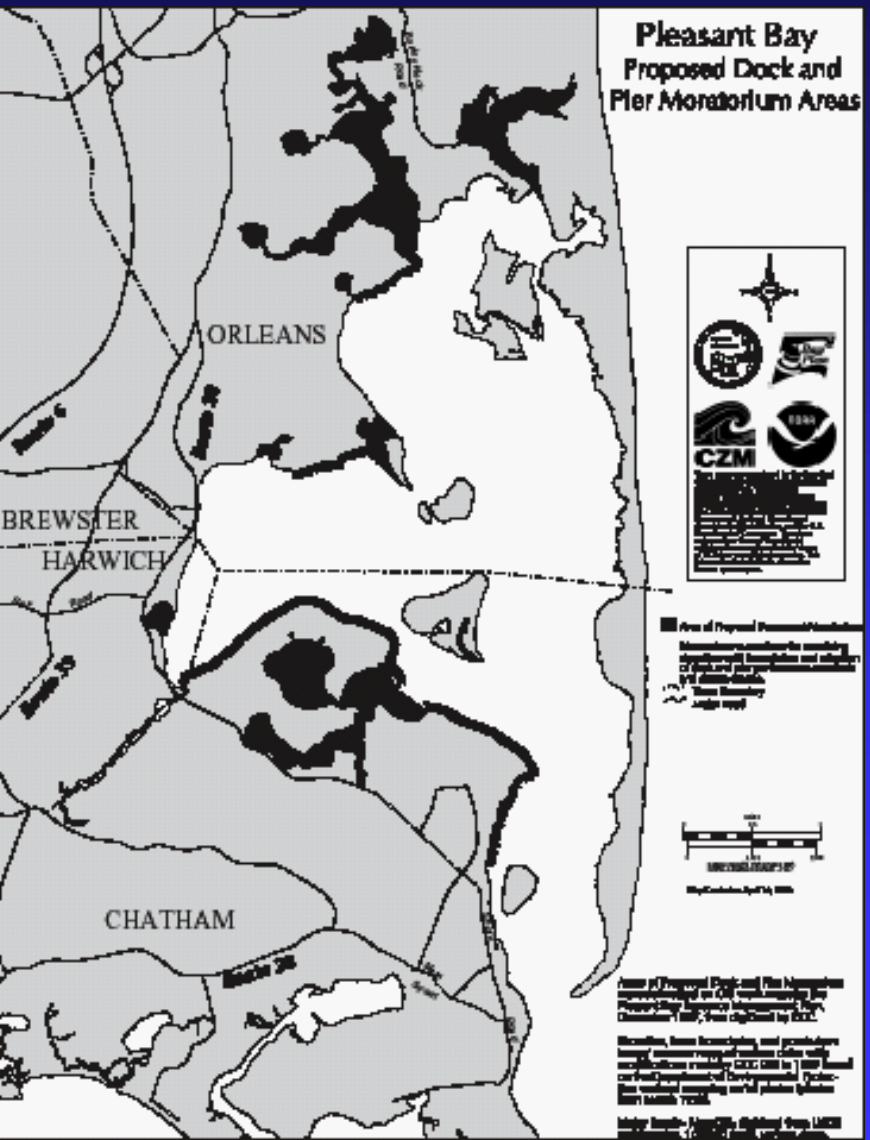


Case Study - Pleasant Bay (MA)

Developed Matrix with Categories Including:

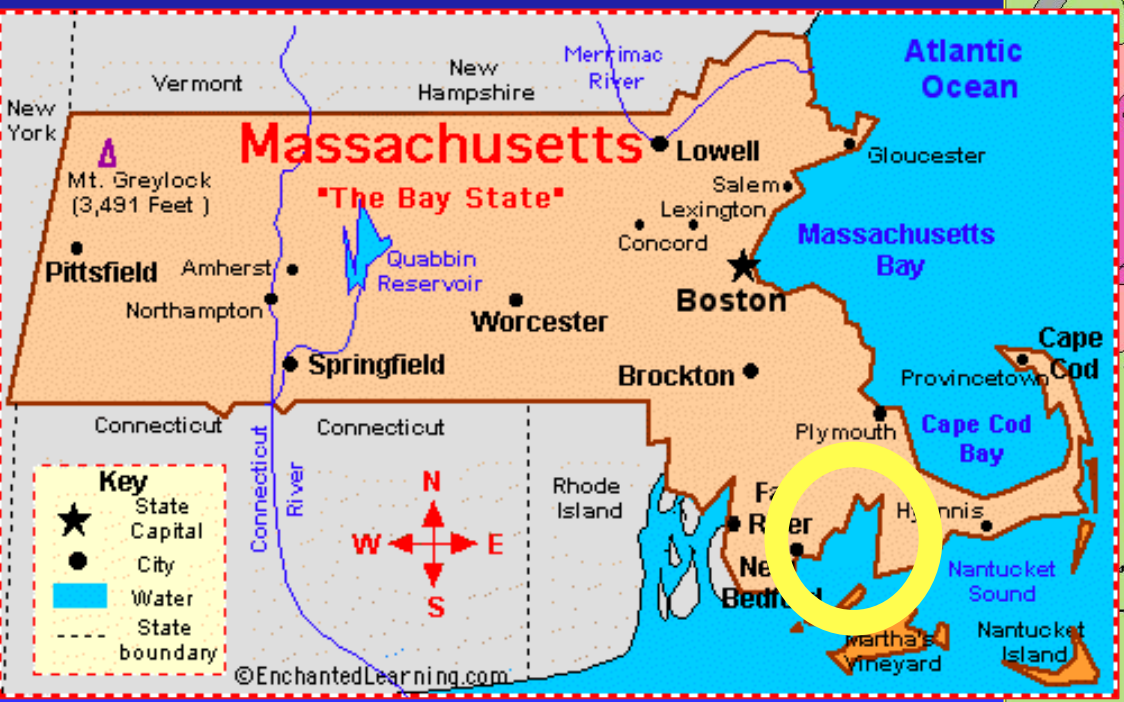
1. Nature of Water Body
2. Dock Ratio
3. Shellfish Habitat
4. Width of Fringing Marsh
5. Abundance of SAV
6. Water Depth within 150 Feet of Shore
7. Moorings within 150 Feet
8. Navigation Channel within 500 Feet
9. Recreational Use

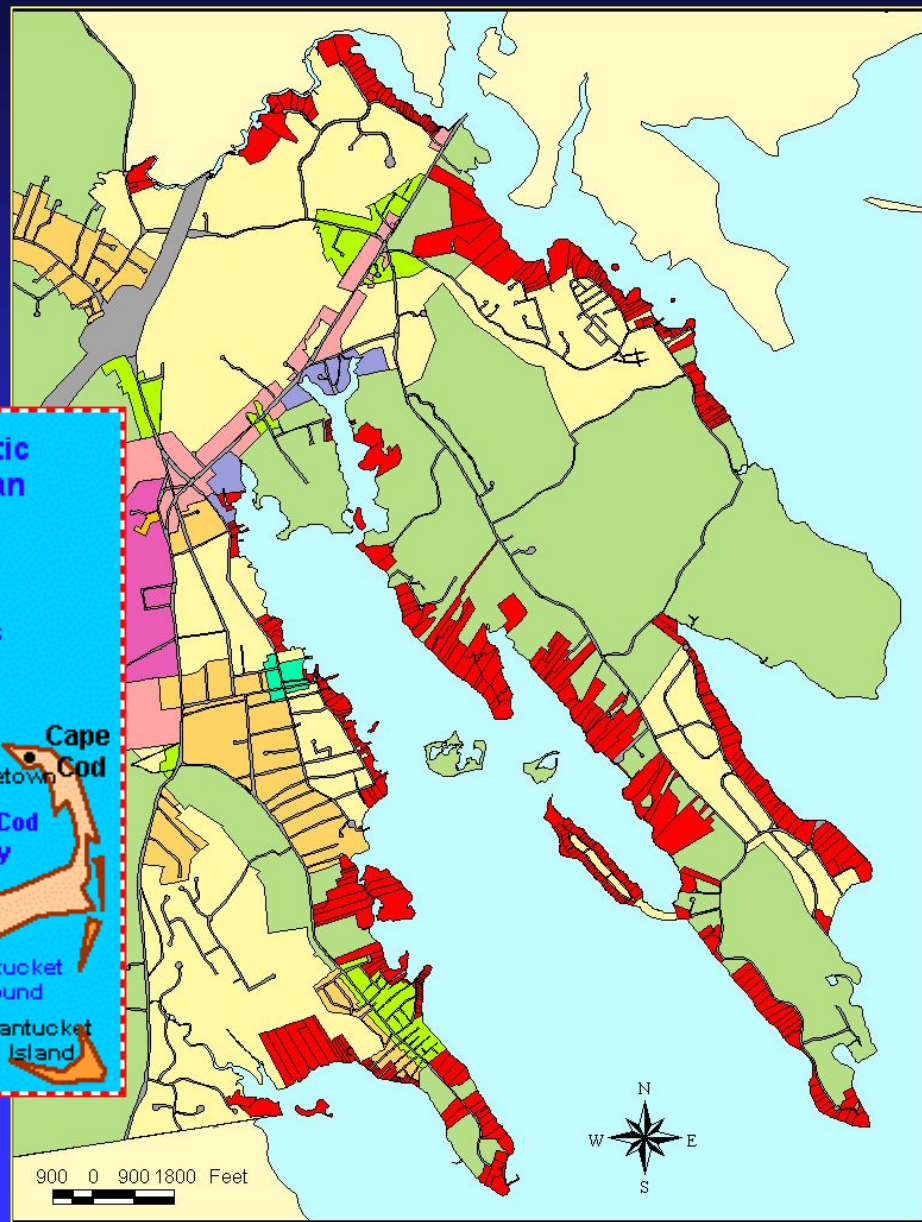
Case Study - Pleasant Bay (MA)



- Prohibited docks in some areas
- Established common standards among four towns for management.

Case Study - Marion, MA



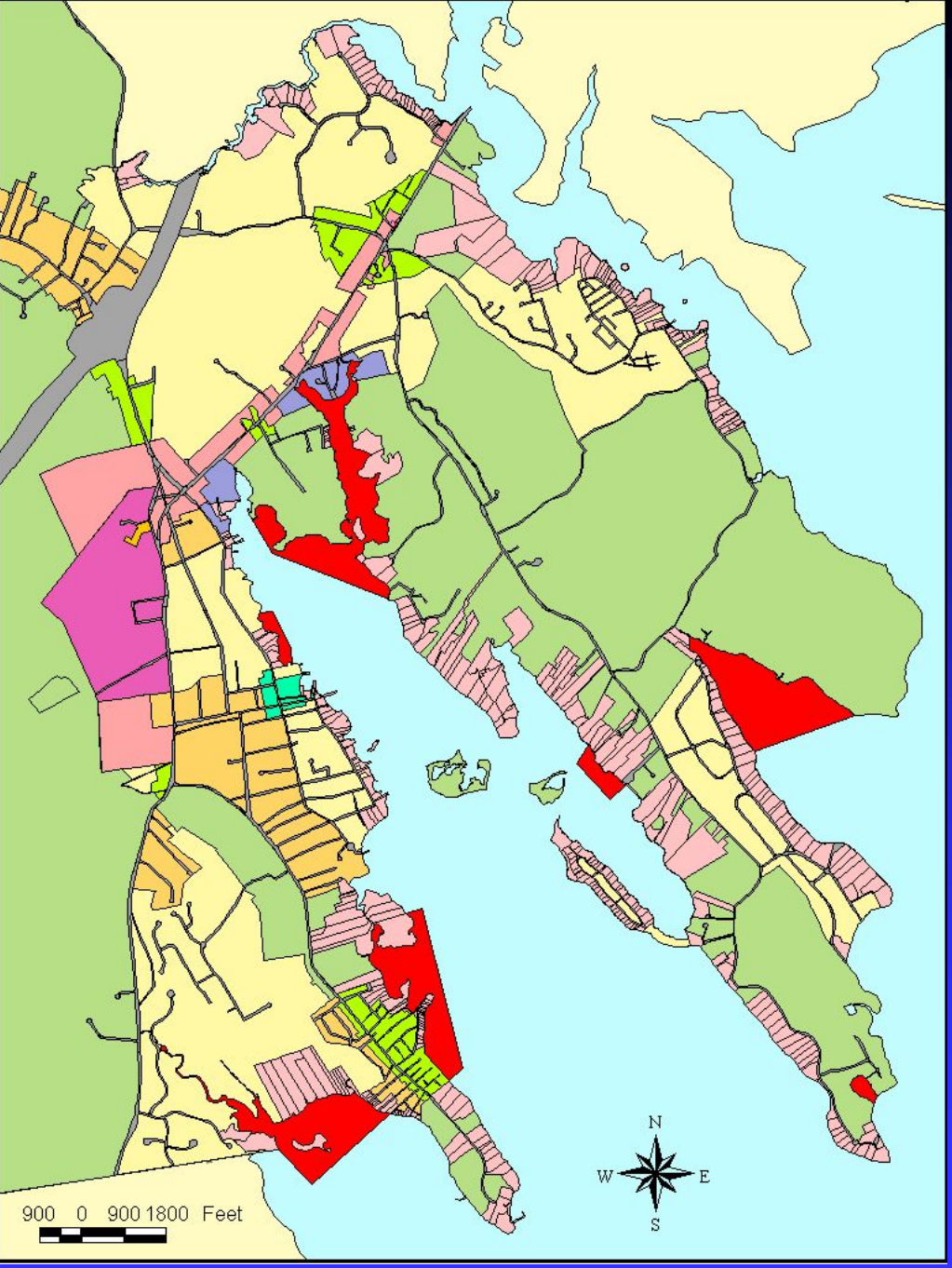


Case Study - Marion, MA

Developed Matrix with Categories Including:

1. SAV beds
2. Softshell Clam Habitat
3. Hardshell Clam Habitat
4. Oyster Habitat
5. Bay Scallop Habitat
6. Razor Clam Habitat
7. Endangered Species Habitat

Draft No Dock Construction Zone



No dock areas

Graphic courtesy Buzzards Bay Program